

REMARKS

In response to the Office Action dated January 30, 2007, Applicants respectfully request reconsideration.

Claims 1-37, 53-56, 61-66, 68-69, 71-92, 95-129, 143-152, 154-157, 166-213, 229-232, 237-242, 244-246, 248-309, and 323-341 were previously pending in this application. In this paper, claims 61, 64, 68, 71, 74, 166, 237, and 244 have been amended. Also, claims 1-60, 62, 63, 65, 66, 69, 73, 80, 126-129, 143-152, 154-157, 174-176, 177-213, 229-232, 238, 239, 241, 242, 245, and 248-309 have been canceled without prejudice or disclaimer.

As a result, claims 61, 64, 68, 71-72, 74-79, 81-92, 95-125, 166-173, 237, 240, 244, 246, and 323-341 are pending for examination, with claims 61, 68, 71, 166, 237, 244, 323, 335, and 337 being independent. No new matter has been added. The application as now presented is believed to be in allowable condition.

I. **Allowed Claims**

Applicants note with appreciation that each of the presently pending independent claims, with the exception of independent claim 323, is allowed (the Office Action indicates the allowance of independent claims 61, 68, 71, 166, 237, 244, 335, and 337, and all claims depending therefrom). Notwithstanding the allowance of the foregoing claims, Applicants have amended claims 61, 68, 71, 166, 237, and 244 to further clarify Applicants' contribution to the art, as explained below.

The assignee of record in the present application, Color Kinetics Incorporated, recently received an Office Action from the Japanese Patent Office in Japanese Application Serial No. JP2002-546469 (the "JP469 application"), a foreign counterpart to co-pending U.S. application serial no. 09/989,677 (the "'677 application"), directed to subject matter generally related to that disclosed in the present application. Applicants note that the '677 application was included in an Information Disclosure Statement filed on January 11, 2005 (as U.S. Patent Application Publication No. 2002-0152045), and considered by the Examiner. For completeness, Applicants submit herewith an IDS to cite the recent Office Action and the claims pending in the JP469 application,

the claims as pending in serial no. 09/989,677, and all Office Actions received to date in serial no. 09/989,677.

The recent Office Action in the JP469 application cited JPA2000-173783, corresponding to U.S. Patent No. 6,611,297 to Akashi *et al.* ("Akashi"). Applicants note that Akashi is already of record in the present application, having been cited in an Information Disclosure Statement (IDS) dated May 20, 2004. Upon further study of Akashi in light of the Office Action in JP469, Applicants have amended independent claims 61, 68, 71, 166, 237, and 244 of the present application by incorporating limitations from selected dependent claims, as indicated below, so as to further define Applicants' contribution to the art.

In particular,

- independent claim 61 has been amended to include the subject matter of dependent claims 62 and 63, and claims 62 and 63 have been cancelled;
- independent claim 68 has been amended to include the subject matter of dependent claim 69, and claim 69 has been cancelled;
- independent claim 71 has been amended to include the subject matter of dependent claims 73 and 80, and claims 73 and 80 have been cancelled;
- independent claim 166 has been amended to include the subject matter of dependent claims 174-176, as well as to improve its readability and address an antecedent basis issue noted during the preparation of this amendment; and claims 174-176 have been cancelled;
- independent claim 237 has been amended to include the subject matter of dependent claims 238 and 239, and claims 238 and 239 have been cancelled; and
- independent claim 244 has been amended to include the subject matter of dependent claim 245, and claim 245 has been cancelled.

Applicants respectfully submit that the claims as amended herein remain in condition for allowance.

II. Claim Rejections Under 35 U.S.C. §102

Applicants respectfully point out that all currently rejected independent claims, except for independent claim 323, have been cancelled so as to expedite further prosecution of this application toward allowance.

1. Rejections over Hussein

Claims 1, 5-10, 12-13, 16-24, 32-34, 50, 53-55, 65-66, 126, 143, 147-152, 177, 179, 180-189, 192-201, and 241-242 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Hussein et al. (U.S. 5,519,809). These claims have been cancelled without prejudice, rendering these rejections moot. Applicants do not accede to the propriety of the above-identified rejections over Hussein, and reserve the right to file one or more continuation applications directed to the subject matter of these canceled claims.

Applicants note that Hussein was originally asserted against many of the claims indicated above in an Office Action dated September 7, 2004. Applicants rebutted these rejections in a response dated January 11, 2005, and the rejections over Hussein subsequently were withdrawn in an Office Action dated April 7, 2005.

2. Rejections over Matty

Claims 26-28, 126-127, 202-204, 208-209, 229-210, 248, 262-268, 272, 274-277, 279, 281-282, 293, 285-287, 293, 296, 300, and 302-307 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Matty (U.S. Patent No. 5,051, 935). These claims also have been cancelled without prejudice, rendering these rejections moot. Applicants do not accede to the propriety of the above-identified rejections over Matty, and reserve the right to file one or more continuation applications directed to the subject matter of these canceled claims.

Independent Claim 323 and its Dependents

The Office Action also rejects claims 323-334 under 35 U.S.C. §102(b) as allegedly being anticipated by Matty. Applicants respectfully traverse these rejections.

Applicants' claim 323 recites a method implemented in a computing device for extending the feel of a screen display to a housing that surrounds the screen display, said method comprising: sampling a plurality of regions of the screen display to acquire color indicators for the plurality of regions; and changing the color of one or more regions of the housing based on the color indicators of one or more sampled regions of the screen display in order to extend the feel of the screen display to the housing that surrounds the screen display.

Matty does not teach or suggest all limitations of claim 323. Specifically, nowhere in the reference does Matty teach or suggest "sampling a plurality of regions of a screen display."

Rather, Matty is directed to a drag race analyzer that employs a "light gage" to provide an indication of timing in connection with a vehicle race (Abstract). Specifically, Matty's light gage includes a linear arrangement of red and green lights that attach to the dashboard of a vehicle, and are illuminated by a computer based on a comparison of a desired completion time for a drag race, and an actual elapsed time for the race (Col. 4, lines 47-60; Figs. 1 and 2). Matty does discuss a screen display in the form of a CRT, and merely discloses that a CRT may be used to display collected timing data (Col. 5, lines 7-20). However, nowhere in the reference does Matty teach or suggest sampling a plurality of regions of a screen display to acquire color indicators for the plurality of regions, and changing the colors of one or more regions of a housing based on the color indicators, as recited in claim 323.

Therefore, for at least these reasons, claim 323 patentably distinguishes over Matty and is in allowable condition. Claims 324-334 depend from claim 323 and, based on their dependency, are allowable for at least the same reasons. Therefore, the rejection of claims 323-334 under §102 based on Matty is improper and should be withdrawn.

III. Claim Rejections Under 35 U.S.C. §103

Claims 2-4, 11, 14-15, 35-37, 56, 144-146 and 177 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Husseiny in view of Matty. Claims 29-31, 126, 129, 205-207, 210, 212-213, 249, 252-254, 256-260, 269-271, 273, 278, 288-291, 297-298, 301, and 308-309 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Matty. Applicants respectfully disagree with these rejections. However, to expedite prosecution toward allowance, these claims also have been cancelled; hence these rejections are now moot. Applicants do not accede to the propriety of the above-identified rejections over Matty or the combination of Husseiny and Matty, and reserve the right to file one or more continuation applications directed to the subject matter of these canceled claims.

IV. Information Disclosure Statements

Applicants note that the following Information Disclosure Statements (IDSs) have been filed in the present application and are available on PAIR; however, to date Applicants have not received any confirmation that these IDSs have been considered by the Examiner:

- May 25, 2007 (first listed reference to “Tyrrel”)
- December 4, 2006 (first listed reference to “Kerr”)
- October 16, 2006 (GB 2354602A)
- September 12, 2006 (co-pending applications)
- January 19, 2006 (first listed reference to “Kawashima”)
- May 20, 2004 (first listed reference to “Tokunaga”)

Applicants respectfully request that, in the next Office communication, the Examiner confirms (e.g., via initialed PTO Forms-1449) that each of the above-identified IDSs has been fully considered in connection with the pending claims.

CONCLUSION

It is believed that all of the previously pending and now pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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By: _____



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